



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** March 18, 2008

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Appeal Of The Architectural Board Of Review Decision To Grant Preliminary And Final Approval Of Proposed Improvements At 924 Jimeno Road

### RECOMMENDATION:

That Council deny the appeal and uphold the Architectural Board of Review (ABR) decisions to grant Preliminary and Final Approvals of the proposed project design at 924 Jimeno Road.

### EXECUTIVE SUMMARY:

A two-story, single-family home addition was approved, which results in a structure of 3,499 square feet on an 8,623-square foot lot in the Hillside Design District. The project was processed under the Neighborhood Preservation Ordinance (NPO) in effect at the time the application was submitted, and originally approved by the Architectural Board of Review and Modification Hearing Officer. If the project were processed under the current NPO, it would exceed the maximum Floor to Lot Area Ratio (FAR) for its lot size by 143 square feet. An appeal was filed based on claims of inconsistency with guidelines and improper application processing. It is staff's position that the project was processed in accordance with the correct Municipal Code requirements, guideline and application processing procedures. Specifically, this project was processed in accordance with Council direction regarding the transitional rules for NPO "pipeline" projects established during the NPO Update hearing process. Staff recommends that the Council deny the appeal and uphold the ABR approvals for the project design.

### DISCUSSION:

**Project Description.** The appealed project (see Attachment 2) is on an 8,623 square foot lot located in the Lower Riviera neighborhood, in the Hillside Design District and zoned E-1, single-family residential. The proposed project consists of the following components:

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REVIEWED BY: \_\_\_\_\_ Finance \_\_\_\_\_ Attorney

Agenda Item No. \_\_\_\_\_

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- Additions: 695 square foot upper floor addition, 129 square foot first floor addition, and 518 square foot basement addition which does not qualify for basement square footage "discounts" under NPO rules.
- Demo./Rebuild: Existing garage/carport structure with a deck above to be replaced with a larger 500 square foot two-car garage with a deck above.
- Site improvements: rock retaining walls and new landscaping.

The project would result in a 3,499-square foot, two-story residence, which would exceed, by 143 square feet, the current 100% maximum required FAR allowable house size limits based on the lot size.

The following are key dates regarding this project:

<u>Dates</u>	<u>Event</u>
10/3/05	ABR Application received
12/19/05	Modification application received
1/18/06	Modification Approval for interior yard encroachments
4/3/06	ABR Preliminary Approval granted
9/19/06	Modification approval extended by Staff to 1/18/08
4/3/07	ABR Preliminary Approval expired
1/8/08	ABR Preliminary Approval reinstated
1/14/08	ABR Final Approval

**ABR Approvals Summary.** The original ABR Preliminary Approval of the project (granted on April 3, 2006) expired on April 3, 2007. On January 8, 2008, the Architectural Board of Review (ABR) reviewed and granted, at the Consent Calendar, a reinstatement of an expired Preliminary Approval for proposed additions and improvements to an existing residence located at 924 Jimeno Road. The following week, on January 14, 2008, at a Full Board meeting, the ABR granted Final Approval of the project. (See Attachment 3, ABR minutes.)

**Modification Approval.** On January 18, 2006, the Modification Hearing Officer granted a zoning modification to allow a front stairway and portion of the first-floor addition to be located within six feet of the interior lot line. Without the modification, the stairway would have been required to be 10 feet from the interior property line (see Attachment 4, Modification Hearing Officer minutes.) This modification approval received a one-year extension on September 19, 2007 to extend the approval to January 18, 2008. The applicant believed that staff's decision to grant an extension for the modification resulted in additional time to complete their application approval process. The applicant did not realize a separate ABR time extension request was necessary to keep the project's original ABR Preliminary Approval valid.

**Appeal.** The appellants, Russ and Leslie Jones, are neighboring property owners and have appealed the ABR decision with a letter from Attorney Tony Fischer dated January 24, 2008 (see Attachment 1). The appellants filed the appeal citing their belief that “the project does not appear to comply with Single Family Design Guidelines and its Hillside Design Guidelines.” The appellants also indicate that various application processing rules were incorrectly applied in granting a reinstatement of an expired ABR approval.

Staff believes that this application was properly processed using the “old NPO rules” for this project as provided for in the “transitional” provisions of the City’s revised NPO ordinance. It is Staff’s opinion that the main appeal issue should be whether Council agrees with the ABR decision on whether the proposed project is compatible with the neighborhood.

**ABR Review of Project.** The ABR reviewed this project at five separate meetings spanning from November 2005 through January 2008. On November 14, 2005, the ABR conceptually reviewed the project for the first time. Due to questions raised by a neighbor regarding potential privacy impacts, the Board did not comment on the project but continued it until a site visit could be conducted. The first ABR meeting regarding the proposed residence received an optional mailed notice for a public hearing, but no neighbors attended the meeting. The Board scheduled a site visit to further examine the neighborhood character and to verify physical characteristics of the proposed project site. The ABR did not ask for story poles to be placed at the building site (see ABR minutes, Attachment 3).

On December 5, 2005, after the site visit had been completed, the majority of the ABR indicated their support for the requested zoning modifications and expressed that the Board “was comfortable with the architecture of the project.” On April 3, 2006, the project was reviewed again and the ABR requested design refinements to the project. The Board made the required NPO project approval findings and granted Preliminary Approval by a 4/0/0 vote. (The four members that voted on the project represent the minimum number necessary to achieve an ABR quorum).

The project did not return to the ABR until 2008. It was during the subsequent meetings in 2008 that it appeared that several neighbors first learned of the project and expressed opposition. The neighbors opposed the residence based on their opinion that the architecture and the three-story nature of the residence were incompatible with the neighborhood (see Attachment 5).

On January 8, 2008 the ABR Consent Review member reviewed and granted a reinstatement of an expired Preliminary Approval but referred the project back to the Full Board for verification of the remaining design issues. The following week, on January 14, 2008, at a Full Board meeting, the ABR granted Final Approval of the project on a vote of 4/0 with minor conditions of approval.

## **Council Actions For Proposing Pending (“Pipeline”) Projects.**

**1. Interim Ordinance Adoption – August 2005.** During Council deliberations regarding adoption of an Interim NPO Ordinance in 2005, Council directed staff to give special consideration to applications “in the pipeline” where considerable time and design costs had been expended by applicants. Such projects would not generally be automatically subject to new ordinances.

**2. Ordinance & SFDG Guidelines May 2007.** During Council deliberations regarding the adoption of a new NPO Update Ordinance, in May 2007, Council again expressed direction to staff that applicants “in the pipeline” that either had already obtained an approval or had invested considerable time and design costs be afforded consideration regarding the triggering of new ordinances. Following is an italicized excerpt from a Council Agenda Report dated May 2007 which summarizes Council’s direction on the subject. (Staff has underlined a portion of the Council Agenda Report relevant to the text of “Application Processing Proposals” for emphasis as it relates to the project under appeal.)

*On May 8, 2007, after a three-year intensive process, Council adopted the Neighborhood Preservation Ordinance and Single Family Design Guidelines (NPO/SFDG) Update package which included specific recommendations on the Ordinance effective date, interim case application processing rules and ordinance implementation details in relationship to the formation of the Single family Design Board (SFDB).*

*Major new provisions for single-family-home development included:*

- 1. Maximum floor areas for lots under 15,000 square feet (also known as “Floor to Lot Area Ratio” (FAR) requirements), with provisions to exceed maximum floor areas with modifications in some cases.*
- 2. Updated Single Family Design Guidelines (SFDG) to help guide project review.*
- 3. Expanded application categories subject to Design Review, including new second- or third-story projects.*
- 4. Project processing procedures specified in relationship to a newly created seven-member Single Family Design Board (SFDB), which will review most single-family projects subject to Design Review.*
- 5. Revised findings required for project approvals.*
- 6. Revised Hillside Special Design District boundaries.*
- 7. “Green” building components required for large residences.*

*Projects submitted to the City after May 1, 2007 would be subject to SFDB review and would be subject to the new NPO regulations.*



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Application Processing Proposals. Provisions for processing pending projects during the SFDB recruitment, appointment and first hearing date time period: May through July '07 were developed and included the following application processing rules:

1. Any project that has been granted preliminary approval with Neighborhood Preservation Ordinance findings made by the ABR prior to May 1, 2007 will complete the review process per Ordinance provisions in place at the time of Preliminary Approval. The final approval process for these projects will be completed with the ABR. . . .
3. All projects in the ABR Concept or Preliminary Approval Review stages over 85% of the maximum FAR, without a Preliminary Approval will be subject to the new ordinance provisions and must be processed by the SFDB. Projects under 85% of the maximum FAR will continue to be processed by the ABR under the existing ordinance provisions in place as of May 7, 2007 and per the updated Single Family Design Guidelines, adopted on May 8, 2007. Any NPO projects may be scheduled at the ABR for Concept reviews prior to the first SFDB meeting, but only projects under 85% of the maximum FAR may receive a Preliminary Approval at ABR between May 8 and July 16. When the SFDB convenes July 16, the SFDB will assume processing of any projects subject to the NPO which does not have a preliminary approval. . . .

Staff comments: The project complies with Provision 3, only projects without a Preliminary Approval are subject to the new Ordinance provisions including maximum FAR %. The subject project had already obtained a Preliminary Approval.

5. Projects that have received another land use approval prior to May 1, 2006 (modifications, Coastal Development Permit (CDP) or NPO project approval at Planning Commission) will retain those project approvals. Any required NPO related design review processing for the projects will be continued to be processed by ABR until the SFDB convenes (unless the project has received Preliminary approval as noted in item 1, above or is already in plan check as noted in item 3, above). Any of these projects with an over the maximum FAR would be considered legal non-conforming.

Eventually, this May 1, 2007 "cut-off" date was incorporated into the revised NPO ordinance adopted by Council on May 8, 2007; Section 18, subparagraph (1) of Ordinance No. 5416 reads as follows"

- "1. Any project that, prior to May 1, 2007, has either: (1) received two or more reviews at either the concept or preliminary level by the Architectural Board of Review or the

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Historic Landmarks Commission and proposes less than 85% of the maximum net floor area for the lot as calculated according to Section Architectural Board of Review or the Historic Landmarks Commission 28.15.083 of this ordinance, or (2) received preliminary approval from the Architectural Board of Review or the Historic Landmarks Commission, shall continue through design review with the Architectural Board of Review or the Historic Landmarks Commission and may proceed to building permit application under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance.”

This project falls within the transitional “grandfather” provision of clause (2) above because it received its original ABR preliminary approval on April 3, 2006, i.e. prior to May 1, 2007.

#### **Staff Discussion:**

**Mailed Noticing.** Planning’s written procedures require only that a project be re-noticed at the ABR/HLC and SFDB when a project’s scope is significantly expanded or if a project’s description is significantly revised. There are no procedural requirements for re-noticing of projects if an applicant requests a time extension or a new preliminary approval.

Therefore, based on the review of current noticing procedures and the adopted application processing rules as explained previously, Staff concluded there was a fair basis to not require a re-notice, to allow the project to continue review with the ABR under the “old NPO” rules and to obtain a new Preliminary Approval. An agenda was mailed to “Interested Parties” associated with the case that were identified at the November 14, 2005 ABR meeting. We understand that the appellants and their agent discovered this project as a result of receiving a mailed notice and agendas regarding another project at 943 Jimeno Road.

**ABR Approval - January 2008.** Staff agrees that the ABR Preliminary Approval granted in January 2008 should have been more clear to establish that the ABR was re-approving an expired Preliminary Approval rather than a “reinstatement”.

Furthermore, although Staff has the authority to grant extensions to ABR approvals, Staff agrees with the appellant that there are no adopted ABR procedures that address the staff practice of processing the re-instatement of expired ABR approvals. However, based on the facts pertaining to the review of this project, Staff still believes the proposed project should be allowed to proceed based on the following:

- 1) The project meets the intent of rules adopted by Council in the application processing proposal outlined the adoption of the NPO update in May 2007;

- 2) Time extensions were granted by City Staff for the zoning modification approvals subject to expiration, thus providing the applicant an expectation that the subject application approvals were still valid;
- 3) The project received Preliminary approval, which allowed the applicant to proceed to prepare working architectural drawings and initiate considerable design expense;
- 4) The date of the original application filed in October 2005 was clearly before any new SFDB regulations had been adopted;
- 5) Previous ABR Preliminary approval and Zoning Modification approval decisions in 2006 and 2007 were not appealed and the land use approval decisions are still valid; and
- 6) Reduction of project square footage could be imposed in the size of the proposed project to comply with current NPO FAR maximum size limits but could be readily met by the elimination of basement square footage. The resulting square footage reduction, however, would not reduce the overall proposed height and massing of the residence.

### Conclusion

Previous discussion surrounding the creation of new regulations indicates that Council has consistently established an appropriate balance between the need to quickly implement new regulations, and offer projects in the "City application pipeline" some protections from having to redesign their projects or possibly create delays for projects under review.

Planning Staff understands the concern that neighbors have (see Attachment 5) regarding how a project can proceed and obtain ABR approvals when the project design is inconsistent with the current maximum NPO FAR standards. However, Staff also understands that that certain types of projects are moving forward under "old rules" that created "grandfather" type protections outlined in the application processing rules adopted by Council by ordinance in May 2007.

Finally, staff believes that although the appellants have chosen to express concerns with the application processing for this particular development application, they have also expressed concerns regarding the project size and design. The design objections of the neighbors appear to be related to the establishment of a house size precedent in the neighborhood. For this reason, Staff is of the opinion that the appeal should be focused on the appropriateness of the design and its compatibility with the neighborhood. Given the ABR made the appropriate approval findings in 2006 and determined that the proposed residence complied with the design guidelines that existed at that time Staff believes it would be unfair to require this applicant to start over from the beginning with new reviews, at the SFDB.

## **RECOMMENDATION:**

Staff recommends Council, deny the appeal and uphold the decisions of the Architectural Board of Review to approve the proposed project and direct Staff to return to the City Council as soon as feasible with a draft resolution containing the evidence necessary and appropriate to support the required Neighborhood Preservation Ordinance findings:

1. The grading and development will be appropriate to the site, have been designed to avoid visible scarring, and will not significantly modify the natural topography of the site or natural appearance of any ridgeline or hillside;
2. The proposed project will not remove specimen or historic trees from the site and will to the maximum extent feasible preserve and protect native or mature trees;
3. The proposed project will be consistent with the scenic character of the City and will enhance the appearance of the neighborhood;
4. The proposed project will be compatible with the neighborhood in that its size, bulk, and scale will be appropriate to the site and neighborhood; and
5. The development will preserve significant scenic views of and from the hillside.

**ATTACHMENTS:**

1. Appellant's appeal letter dated January 24, 2008
2. Vicinity Map, reduced site plan, elevations and site section
3. ABR Minutes
4. Modification Hearing Officer Minutes dated January 18, 2006
5. Letters and petitions from neighbors

**Note:** The Architectural Board of Review Case Files and Plans for the project have been provided to Mayor and Council under separate transmittal.

**PREPARED BY:** Jaime Limón, Senior Planner II

**SUBMITTED BY:** David Gustafson, Acting Community Development Director

**APPROVED BY:** City Administrator's Office

RECEIVED

JAN 24 2008

**Tony Fischer**  
**Attorney at Law**  
2208 Anacapa Street  
Santa Barbara, CA 93105  
Tel: 805 563 6784  
[fischlaw@cox.net](mailto:fischlaw@cox.net)

CITY CLERK'S OFFICE  
SANTA BARBARA, CA

January 24, 2008

**Mayor Marty Blum and Members of the City Council**

City of Santa Barbara  
City Hall  
Santa Barbara, CA 93101

--By hand delivery.--

**Re: 924 Jimeno Road--Appeal of ABR review and approvals.**

Attention: Community Development Director, Planning Commission,  
Architectural Board of Review, Single Family Design Board, Office of City  
Attorney and City Administrator.

Dear Mayor Blum and Members of the City Council:

On behalf of Russ and Leslie Jones, neighboring property owners, I hereby file this appeal of any and all approvals given by ABR to any project at 924 Jimeno Road. The project does not appear to comply with Single Family Design Guidelines and its Hillside Design Guidelines. This appeal is based upon:

- (1) failure to give notice required by law to property owners entitled to notice;
- (2) violation of property rights;
- (3) action taken by staff and members of the ABR in excess of authority;
- (4) erroneous representations by the City (its staff and officers) regarding processing of this project in that the prior preliminary approval had expired and any project would require a new application and then be subject to the rules in effect;
- (5) improper "reinstatement" of an expired preliminary approval in violation of the regulations/ordinances of the City of Santa Barbara; and
- (6) the project as proposed violates the rules, regulations and guidelines adopted by the City to protect the property rights of adjacent and neighboring properties in that the project is excessively tall, bulky, inconsistent and not compatible with the neighborhood and violates important privacy rights and views of neighbors. In addition, any and all prior actions taken at a consent calendar item of the ABR without a tape or transcript or video of its consent calendar or administrative approvals violates the right of the public to be informed of the actions of its public officials and employees because there is no record of the information submitted or considered in order to allow for judicial review of the actions.

DISTRIBUTION DATE: 1-24-08  
SFDB MEMBERS (7)      TECH       
SR. PLANNER      ASST CITY ATTY.       
APPLICANT'S AGENT(S)       
ENTERED AS INT PARTY       
ON DATE: 1-24-08 BY:

This project, if it continues to seek approval, should be required to apply to and be reviewed only by the Single Family Design Board.

It is requested that any and all persons involved preserve any and all records (including but not limited to emails of staff and the applicant) related to this site and that special care be taken to prevent destruction, loss, erasure, deletion, shredding, or any other method to cause the records to be not available in response to any future requests for records or evidence as part of any and all administrative, criminal or civil proceedings. Such action could constitute destruction of evidence or destruction of records in violation of the State of California public records protection laws and/or the laws of the City of Santa Barbara.

Based upon the records currently available, this site has an existing single family residence on a sloping lot in the hillside design district of the City. It appears that the applicant applied for ABR approval in 2005 under the rules and regulations then in effect. That application received a preliminary vote of approval, subject to numerous conditions because the project was not yet acceptable. That preliminary approval expired after one year (in April 2007) which is before the City Council approved and adopted the ordinances and regulations which established the Single Family Design Board and which created new regulations applicable to approval of single-family homes in the City. No timely application for any extension was submitted and the project expired. The project which was submitted for review in 2005 and 2006 by the ABR does not conform or comply with the new standards (not conceding that it complied with the prior regulations) and is not in keeping with the standards of the City and should not be allowed. The staff of the Department has a duty to uphold the standards of the City. The new guidelines provide the neighbors an important voice but this was denied.

Despite the policies, rules and regulations which require any project at this location to be reviewed by the SFDB (and should be denied because of its design); persons acting in excess of their authority and without any basis in fact for their action, caused a "reinstatement" (which is in effect a new approval) of the prior expired project, to be listed on the consent agenda of the ABR. Again, this was done without notice and without authority. That listing was not adequate to give proper notice of the true nature of the request. The consent agent of the ABR operates without notice and hearing procedures (no tape or other record of evidence received or considered is properly preserved) essential to due process and equal protection. In addition, its jurisdiction is limited to review of projects which are not subject to the jurisdiction of the Single Family Design Board (SFDB). A single family house project is subject to the SFDB and not ABR. The new guidelines provide the neighbors a important voice but this was denied.

As part of what appears to be a device to grant an improper benefit or favor to one property owner or its agent, it appears that notice was not provided to any persons within the neighborhood other than maybe the applicant. That improper and illegal action was then used as a basis to publish an agenda for an "in-progress" review of what was described as a project with a valid preliminary approval. Numerous persons objected to

*Appeal re: 924 Jimeno*  
*January 24, 2008*  
*Page 3 of 3.*

the design of the project and filed a petition in opposition. Staff wrongfully informed the concerned citizens and the members of the ABR that the matter properly before the ABR was in- progress review after preliminary approval. The vote of the six members present for the ABR meeting was 3-0-3. That vote suggests that ABR members were not comfortable with the project and process. One member did not attend or participate apparently because of a conflict of interest.

Based upon the lack of authority and other improprieties associated with this matter, the appellant requests not only that the project be rejected but also a refund of any appeal fees.

Please contact the undersigned to arrange an appropriate appeal hearing date.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Tony Fischer", with a long horizontal flourish extending to the right.

Tony Fischer, Attorney for Appellants  
2208 Anacapa Street  
Santa Barbara CA 93105

805 563 6784  
Fischlaw@cox.

# 924 Jimeno Road

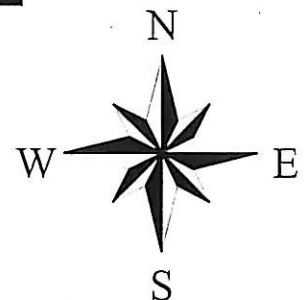
029-052-009



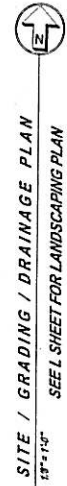
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2/28/2008



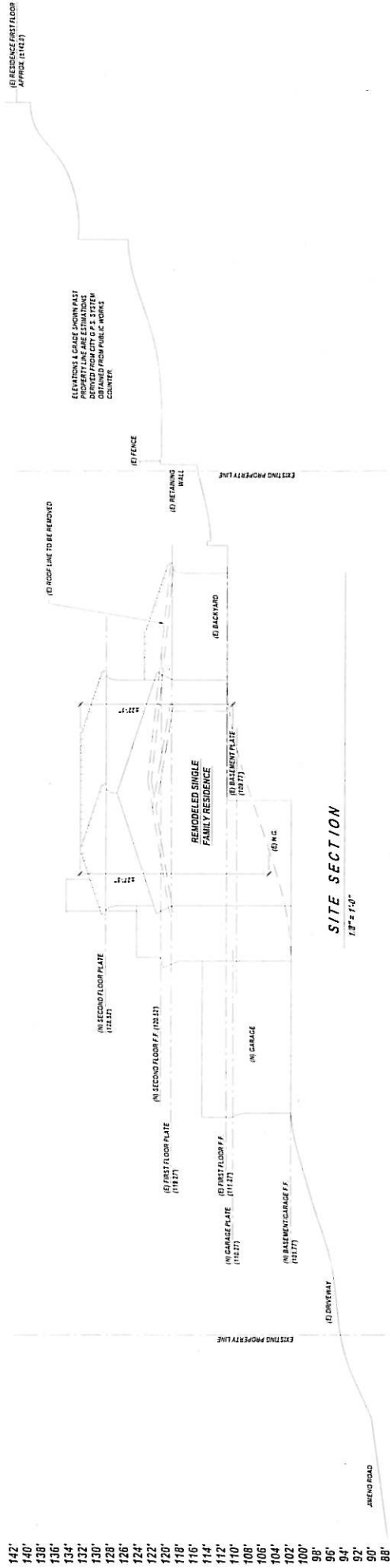


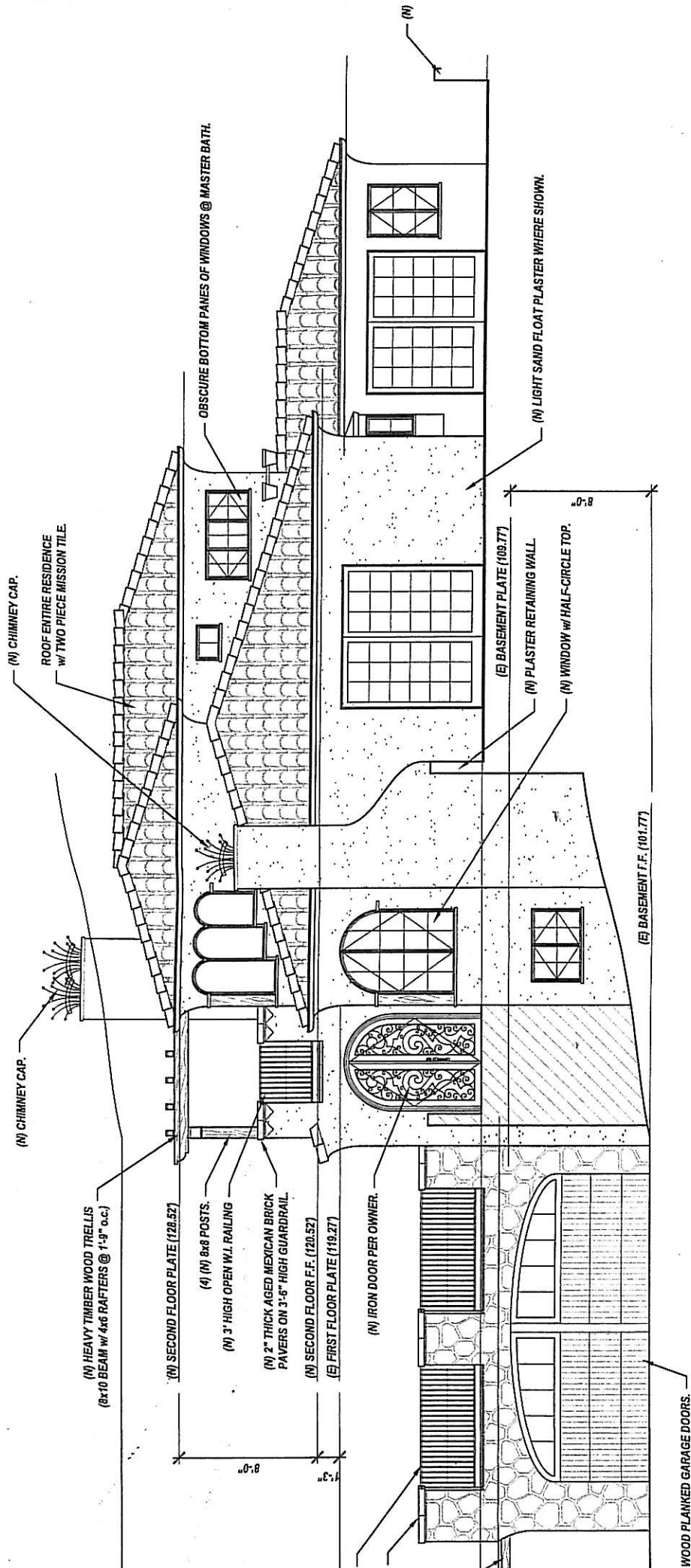


**SITE / GRADING / DRAINAGE PLAN**  
1.9" = 1'-0"  
**SEE L SHEET FOR LANDSCAPING PLAN**



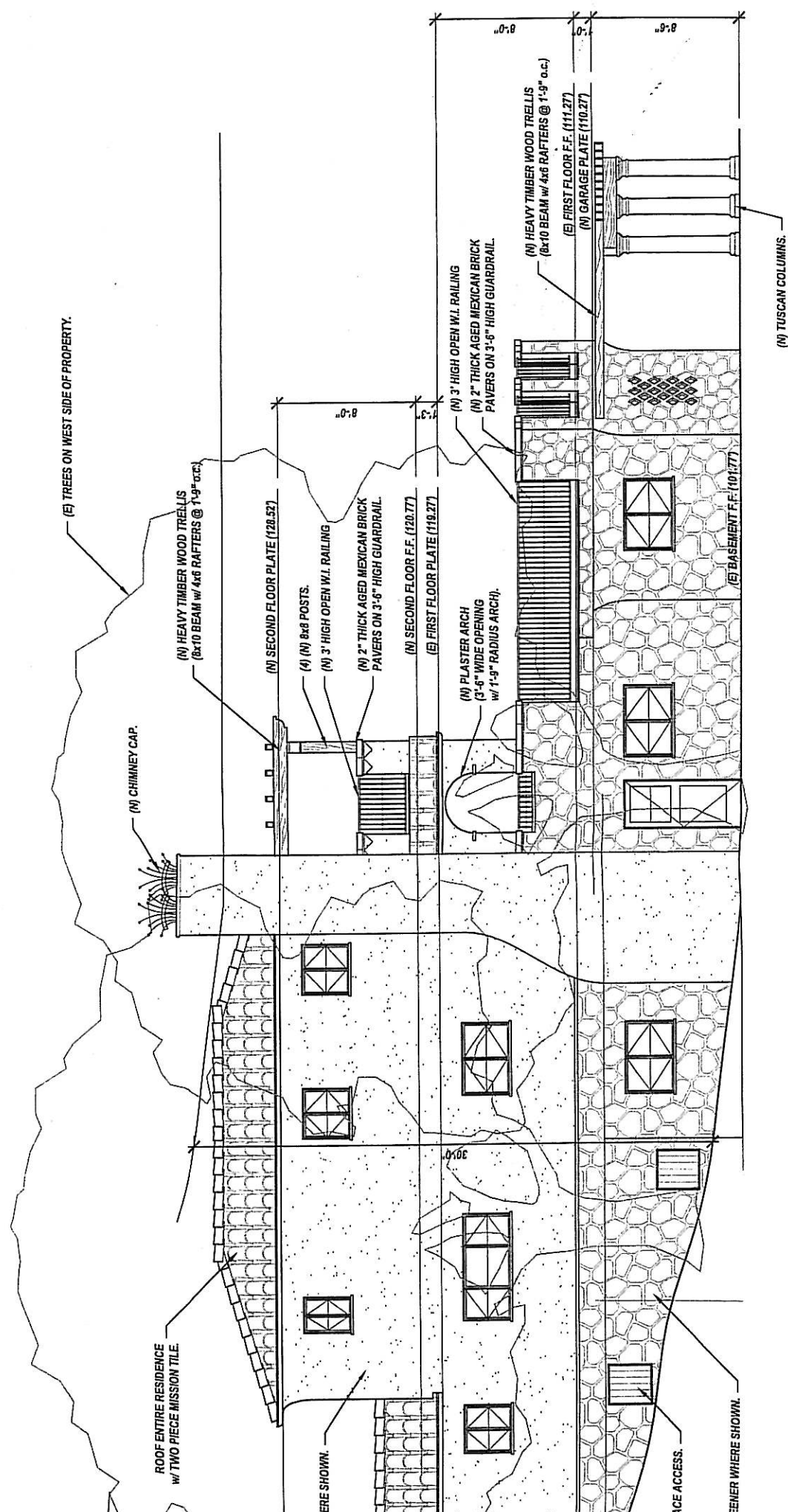
1" = 1'-0"





# EAST ELEVATION

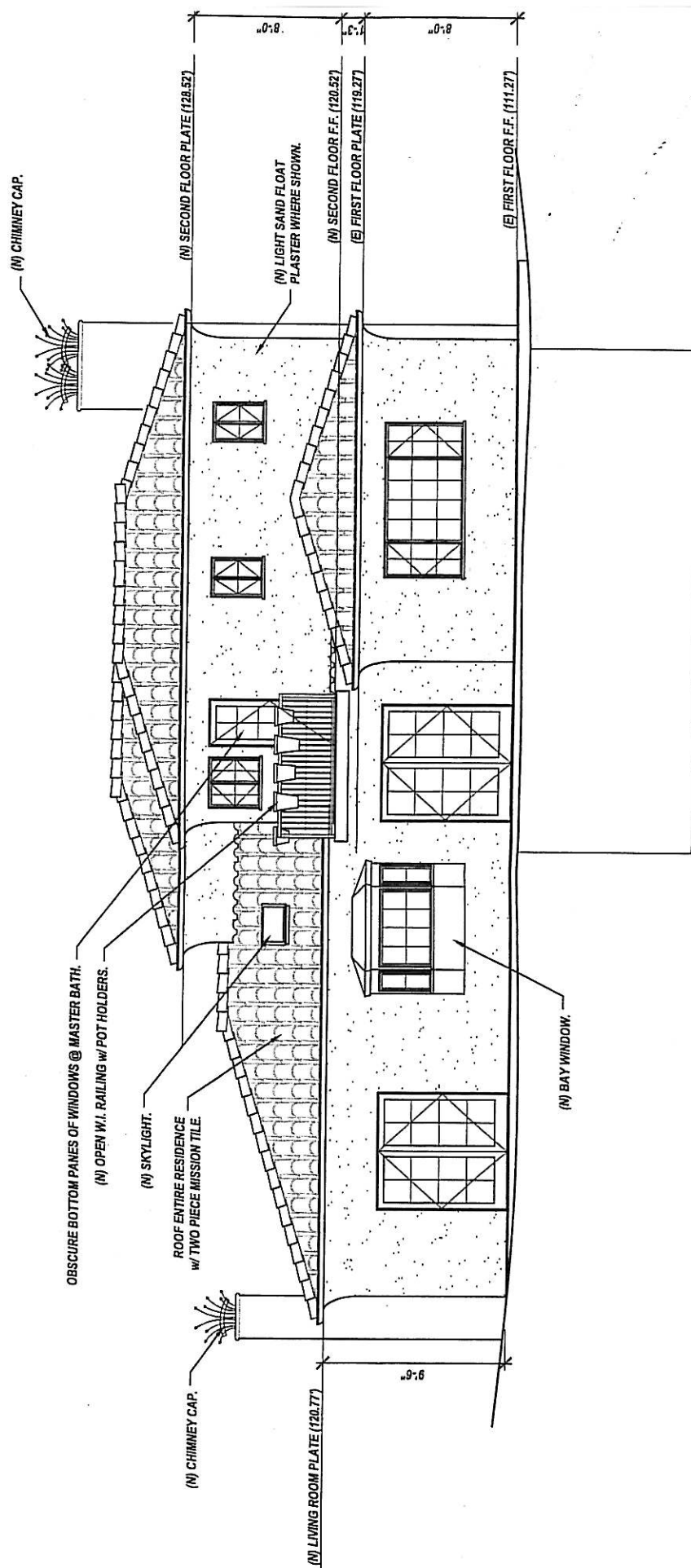
3/16" = 1'-0"



WEST ELEVATION

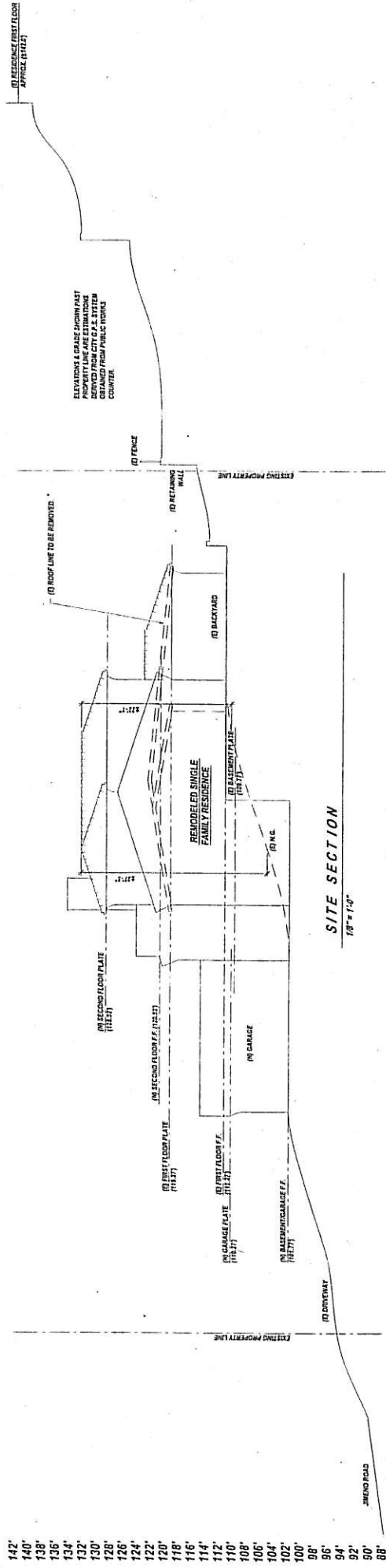


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**NORTH ELEVATION**

3/16" = 1'-0"





## ARCHITECTURAL BOARD OF REVIEW MINUTES

November 14, 2005

### CONCEPT REVIEW - NEW ITEM

10. 924 JIMENO RD

## E-1 Zone

Assessor's Parcel Number: 029-052-009

Application Number: MST2005-00672

Owner: Herendeen Family Trust

Applicant: Vadim Hsu

(Proposal to construct a new 1,392 first and second floor addition to an existing 1,657 square foot residence, demolish the existing 572 two-car garage and construct a 500 square foot garage on a 8,623 square foot lot located in the Hillside Design District. A Modification is requested to allow the stairway to encroach into the side yard setback.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS AND A MODIFICATION.)

(7:49)

Vadim Hsu, Architect; Michael Herendeen, Owner; present.

Public comment opened at 7:55p.m.

A letter was read into the record submitted by Mr. and Mr. Siino, which stated that they have reviewed the plans, and would like to plan trees to main their privacy; and that the proposal would not prevent them from being able to add a second story in the future. Any future remodel they do, should consider Mr. and Mrs. Herendeens current views from their existing home, and not views as seen from the remodel.

Public comment closed at 7:57p.m.

Motion: Continued indefinitely for the Board to conduct an organized site visit.

Action: Manson-Hing/Bartlett, 7/0/0.

December 5, 2005

**CONCEPT REVIEW - CONTINUED ITEM**

1.     **924 JIMENO RD**                             E-1 Zone  
          Assessor's Parcel Number:   029-052-009  
          Application Number:         MST2005-00672  
          Owner:             Herendeen Family Trust  
          Applicant:        Vadim Hsu

(Proposal to construct a new 1,392 square foot first and second floor addition to an existing 1,657 square foot residence, demolish the existing 572 square foot two-car garage and construct a 500 square foot garage on a 8,623 square foot lot located in the Hillside Design District. A Modification is requested to allow the stairway to encroach into the side yard setback.)

**(SECOND CONCEPT REVIEW.)**

**(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL  
ASSESSMENT NEIGHBORHOOD PRESERVATION ORDINANCE  
FINDINGS AND A MODIFICATION.)**

**(3:30)**

Vadim Hsu, Applicant, present.

Motion:       Continued indefinitely to the Modification Hearing Officer and return back to the Full Board with the following comments: 1) Six of the seven Board members support the modification request for the stair encroachment given it is in the same plane as the existing structure and the encroachment is minor in nature and not visible to the public or to the neighbors. 2) The Board supports the modification for the rear yard encroachment, as it is in alignment with the existing building, and makes for better architectural completion of the remodel and not visible to the public or to the neighbors. 3) Most of the Board is comfortable with the architecture; however, one member is concerned with the verticality of the wall planes on the west elevation. 4) Clearly define all proposed retaining walls in the front yard. It is understood that the walls are to be a maximum height of three feet and are to be boulder or rubble sandstone walls consistent with the Rivera neighborhood. 5) There is concern that the slope will be denuded as a result of the walls. 6) Provide a new site section to show the new landscaping in the front 7) Applicant is to provide a landscape plan showing removal of invasive pampas grass. 8) It is important to preserve most of the significant screening trees which help the Board to accept the

architecture and the trees maintain the consistency of the rustic nature of the streetscape. 9) The carport trellis is problematic with the proposed use and extends the structure further to the street. It is suggested to use landscaping or other means to create the desired buffer of the architecture. 10) Restudy the arches to provide more consistency of pattern. 11) Study the west elevation of the stone veneer on the west elevation. 12) Change the north arrow on the plans to reflect the north direction. 13) Applicant is to verify with the Transportation Department that the driveway is a workable solution.

Action: Bartlett/LeCron, 7/0/0.

April 3, 2006

**PRELIMINARY REVIEW**

4.     **924 JIMENO RD**                             E-1 Zone  
          Assessor's Parcel Number:   029-052-009  
          Application Number:         MST2005-00672  
          Owner:             Herendeen Family Trust  
          Applicant:         Vadim Hsu

(Proposal to construct a new 1,392 square foot first and second floor addition to an existing 1,657 square foot residence, demolish the existing 262 square foot two-car garage and construct a 500 square foot garage on a 8,623 square foot lot located in the Hillside Design District. A Modification is requested to allow a stairway to encroach into the side yard setback.)

**(Modification approved January 18, 2006)**

**(PROJECT       REQUIRES       NEIGHBORHOOD       PRESERVATION  
ORDINANCE FINDINGS.)**

(4:44)

Randy Mudge, Landscape Architect; Mr. Michael Herendeen, Owner; and Glenn Cerry, agent for the applicant, present.

Motion:       Preliminary Approval and continued indefinitely to the Full Board for one in-progress review with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.68.060 of the City of SBMC, and with the following conditions: 1) Restudy the arched openings at the east and south elevations of the living room to provide more solid mass at the corner and incorporate wood posts at the third points around the south facing arches. 2) Study the arched openings of the top-floor

on the east elevation to be more similar to the east living room. 3) The south elevation window treatment should be more similar to the living room east elevation. 4) The second-floor wrought iron balcony detail at the master bath should be restudied to work in relation to the adjacent tiled roof. 5) Utilize vine pockets and vines trailing on the proposed trellis on the south elevation. 6) Board appreciates low-scale nature of the proposed terraced stone walls in the front yard, and the trees along the street to buffer view of the south elevation of the house. 7) The proposed flare or splay at the top of the stone garage should be of a more traditional straight condition. 8) The proposed ventilation openings in the stonework on the south elevation do not look appropriate with the chosen materials and should be restudied. 9) One Board member is concerned that the west elevation appears plain in comparison to the other three elevations and needs to be restudied. 10) The Board looks forward to high quality detailing and further depiction of the proposed driveway material.

Action: Wienke/Sherry, 4/0/0 (Board member Mudge stepped down).

**Consent Calendar- January 8, 2008**

**CONTINUED ITEM**

**B. 924 JIMENO RD**

**E-1 Zone**

Assessor's Parcel Number:	029-052-009
Application Number:	MST2005-00672
Owner:	Herendeen Family Trust
Applicant:	Vadim Hsu
Landscape Architect:	Randy Mudge

(Proposal to construct a new 1,392 square foot first and second floor addition to an existing 1,657 square foot residence, demolish the existing 262 square foot two-car garage and construct a 500 square foot garage on an 8,623 square foot lot located in the Hillside Design District. A Modification was approved on January 18, 2006 to allow a stairway to encroach into the side yard setback.)

**(Applicant is requesting to reinstate the Preliminary Approval of 4/03/06.)**

Approval of reinstatement of Preliminary Approval granted in April 2006, with the comment that the applicant is to address ABR comments from April 3, 2006. (Item referred back to Full Board)

January 14, 2008

**IN-PROGRESS REVIEW**

**4. 924 JIMENO RD**

**E-1 Zone**

Assessor's Parcel Number: 029-052-009  
Application Number: MST2005-00672  
Owner: Herendeen Family Trust  
Applicant: Vadim Hsu  
Landscape Architect: Randy Mudge

(Proposal to construct a new 1,392 square foot first- and second-floor addition to an existing 1,657 square foot residence, demolish the existing 262 square foot two-car garage and construct a 500 square foot garage on an 8,623 square foot lot located in the Hillside Design District. A Modification was approved on January 18, 2006 to allow a stairway to encroach into the side yard setback.)

**(Final Approval may be granted if sufficient information is provided.)**

(7:36)

Present: Vadim Hsu, Applicant.

Public comment opened at 7:46 p.m.

- Russ Jones, opposed: concerned with the lack of noticing.
- Shelly Johnson, opposed: project is proposed to be built on highest portion of the lot.
- Chair Wienke read into the record comment letters from Clay and Linda Cole, and Reed and Benita Wilson; and acknowledged receipt of a signed petition.

Public comment closed at 7:58 p.m.

**Motion: Final Approval with the following conditions:**

- 1) Revise the chimney to be thinner at the north/south elevations as shown on the roof plan and elevation pages.
- 2) Resolve the north elevation bay window connection to the wall with plaster detailing.
- 3) Show how storm water from the driveway will be diverted to the retention areas surrounding the driveway.

Action: Mosel/Sherry, 4/0/3. (Aurell, Blakely, Zink abstained. Mudge stepped down.)

**ACTION:** Findings made and project approved subject to the condition that all plans submitted for building permits in conjunction with the approval of this modification shall show/include:

1. A minimum twelve-foot (12') front yard setback off Grand Avenue.
2. Hours of construction being limited to Monday through Friday from the hours of 8 a.m. to 5 p.m.
3. A note on the plans that construction vehicles park on site whenever possible.

E. **APPLICATION OF VADIM HSU, AGENT FOR MICHAEL & PATRICIA HERENDEEN, 924 JIMENO ROAD, APN 029-052-009, E-1 ONE-FAMILY ZONE(MST2005-00672)**

The project site is currently developed with a single family residence and garage. The proposed project involves a major remodel, 518 square feet of basement addition, 129 square feet of first floor addition, 695 square feet of second floor addition, a new two-car garage, and 711 square feet of new balconies and decks. A Modification is required to permit first floor additions and an exterior stairwell to be located within the required ten-foot (10') interior yard setback (SBMC 28.15.060).

This project was subject to review by the Architectural Board of Review (ABR) pursuant to SBMC §22.68.

**ACTION:** Findings made and project approved subject to the condition that all plans submitted for building permits in conjunction with the approval of this modification shall show/include:

1. The addition observing the existing six-foot (6') interior yard setback. No portion of the addition, which is located within the ten-feet (10') of the property line, shall have any openings.
2. No portion of the lower level, located within the required interior yard setback, being converted to habitable space.

**Feliciano, Gabriela P.**

---

**From:** kaizenent@aol.com  
**Sent:** Monday, January 14, 2008 1:14 PM  
**To:** Community Development ABRsecretary  
**Subject:** CASE MST2005-00672 – 924 JIMENO ROAD petition  
**Attachments:** siinopetition-1.pdf

Dear ABR Secretary,

Attached is our 20th signature for a petition filed in person with the City today.

We would like to please have this signature added to the file and referenced during the recording of the minutes for CASE MST2005-00672 – 924 JIMENO ROAD, which will be up for review at today's meeting.

Thank you for your kind assistance.

Best regards,

Karen and Shelly Johnson

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More new features than ever. Check out the new [AOL Mail!](#)



File

**PETITION**

**CASE MST2005-00672 - 924 JIMENO ROAD, SANTA BARBARA, 93103**

**RECEIVED**

**JAN 14 2008**

We, the undersigned residents, object to the construction of over-scaled, three-story homes in our area, specifically the proposed design of the project located at 924 Jimeno Road.

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

This project proposes building a three-story addition on the highest portion of the lot, upward well over 30 feet. The bulk, mass and scale of the resulting structure make it too large to harmonize with surrounding homes.

Because this project severely impacts the privacy and views enjoyed by neighboring properties, and may set a precedent for more disproportionate, overbuilt single family homes in the area, we appeal to the Board to recommend further study of this project in lieu of granting final approval as drawn.

Name/Signature/Date

Address

Phone

- | DATE    | Name/Signature/Date      | Address                  | Phone    |
|---------|--------------------------|--------------------------|----------|
| 1-13-08 | 1. KAREN JOHNSON         | 970 Jimeno Rd            | 965-0868 |
| 1-13-08 | 2. Leslie Jones          | 947 Jimeno Rd            | 965-5871 |
| 1/13/08 | 3. Russ Jones            | 947 Jimeno Rd            | 570-4943 |
| 1-13-08 | 4. Toby Sternlied        | 912 Jimeno Rd            | 966-0532 |
| 1-13-08 | 5. Susan Seibert         | 908 Jimeno Rd            | 965-3921 |
| 1-13-08 | 6. Neal Wilson           | 891 Jimeno Rd            | 965-2700 |
| 1-13-08 | 7. Brigitte Wilson       | 891 Jimeno Rd            | 965-2700 |
| 1/13/08 | 8. Walter R. Lupo        | 885 Jimeno Rd            | 965-4258 |
| 1/13/08 | 9. Doreen B. White       | 1429 Alameda Padre Serra | 966-7840 |
| 1/13/08 | 10. [Signature]          | 1429 Alameda Padre Serra | 966-7840 |
| 1/13/08 | 11. [Signature]          | 943 JIMENO RD            | 966-1090 |
| 1/13/08 | 12. Clay Cole            | 943 JIMENO RD            | 966-1090 |
| 1/13/08 | 13. [Signature]          | 970 JIMENO RD            | 965-0868 |
| 1/14/08 | 14. Beverly Benningfield | 950 Jimeno Rd            | 963-8005 |
| 1/14/08 | [Signature]              | 950 Jimeno Rd            | 963-8005 |



**PETITION**

**CASE MST2005-00672 – 924 JIMENO ROAD, SANTA BARBARA, 93103**

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Because this project severely impacts the privacy and views enjoyed by neighboring properties, and may set a precedent for more disproportionate, overbuilt single family homes in the area, we appeal to the Board to recommend further study of this project in lieu of granting final approval as drawn.

Name/Signature/Date

Address

Phone

DATE

1-14-08	15.	Patrick Corrigan	836 Jimeno Rd	965-7434
1-14-08	16.	Betsy Ingalls	836 Jimeno Rd	965-7434
1-14-08	17.		920 Jimeno Rd	966-5459

18. \_\_\_\_\_

19. \_\_\_\_\_

20. \_\_\_\_\_

21. \_\_\_\_\_

22. \_\_\_\_\_

23. \_\_\_\_\_

24. \_\_\_\_\_

25. \_\_\_\_\_

26. \_\_\_\_\_

27. \_\_\_\_\_

28. \_\_\_\_\_

**PETITION**

**CASE MST2005-00672 – 924 JIMENO ROAD, SANTA BARBARA, 93103**

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Because this project severely impacts the privacy and views enjoyed by neighboring properties, and may set a precedent for more disproportionate, overbuilt single family homes in the area, we appeal to the Board to recommend further study of this project in lieu of granting final approval as drawn.

NAME Dave Moncada DATE 1/14/08  
ADDRESS 1425 APS PHONE 966-6545  
SIGNATURE Dave Moncada

NAME \_\_\_\_\_ DATE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

NAME \_\_\_\_\_ DATE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

**PETITION**

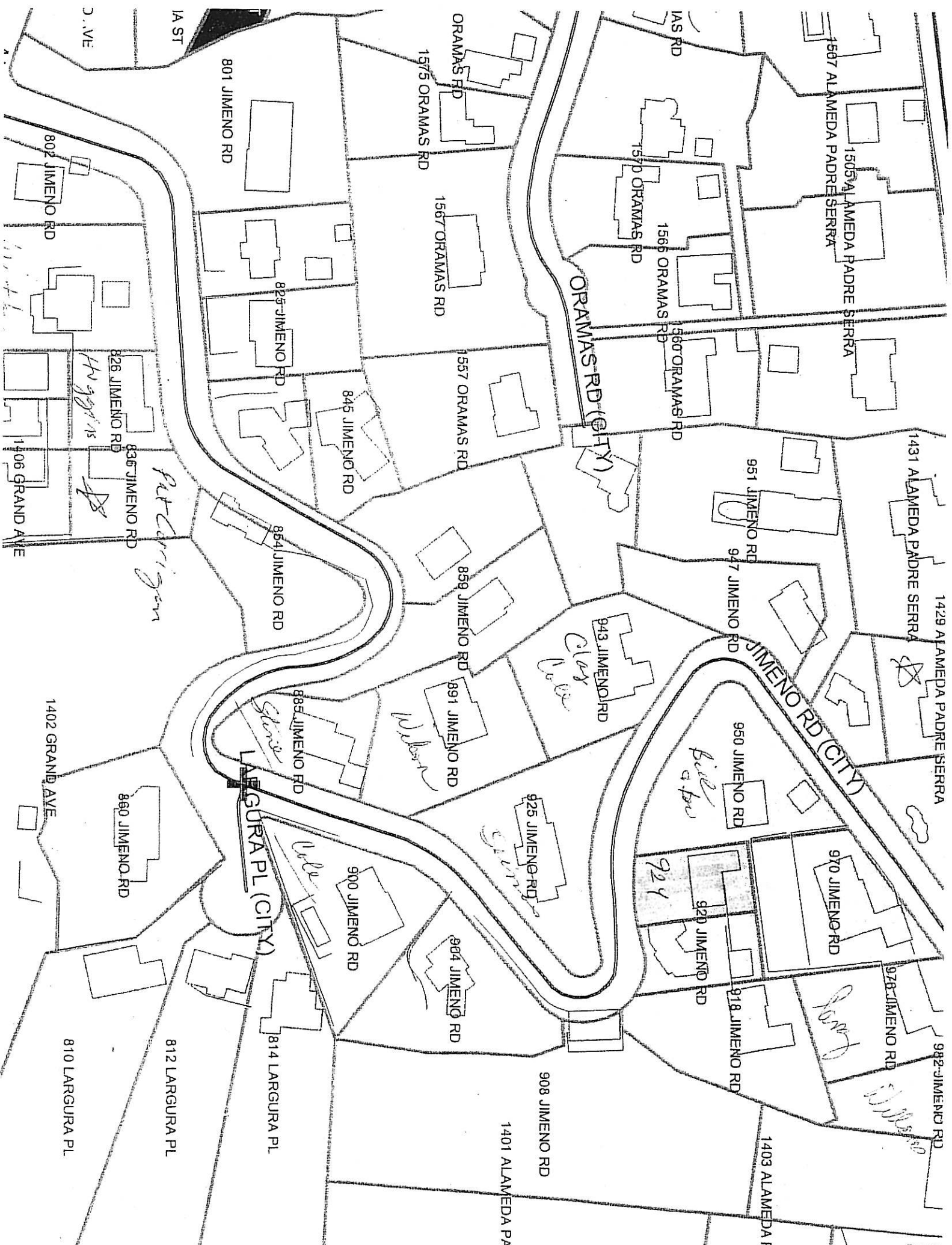
CASE MST2005-00672 - 924 JIMENO ROAD, SANTA BARBARA, 93103

We, the undersigned residents, object to the construction of over-scaled, three-story homes in our area, specifically the proposed design of the project located at 924 Jimeno Road.

This project proposes building a three-story addition on the highest portion of the lot, upward well over 30 feet. The bulk, mass and scale of the resulting structure make it too large to harmonize with surrounding homes.

Because this project severely impacts the privacy and views enjoyed by neighboring properties, and may set a precedent for more disproportionate, overbuilt single family homes in the area, we appeal to the Board to recommend further study of this project in lieu of granting final approval as drawn.

NAME William J. Siino DATE 1/14/08  
ADDRESS 925 Jimeno Road PHONE 858 673-1425  
SIGNATURE William J. Siino



1429 ALAMEDA PADRE SERRA  
1431 ALAMEDA PADRE SERRA

1505 ALAMEDA PADRE SERRA  
1507 ALAMEDA PADRE SERRA

1560 ORAMAS RD  
1566 ORAMAS RD  
1570 ORAMAS RD

ORAMAS RD (CITY)

1575 ORAMAS RD  
1567 ORAMAS RD

1557 ORAMAS RD

845 JIMENO RD

825 JIMENO RD

801 JIMENO RD

LA ST

C. AVE

802 JIMENO RD

826 JIMENO RD  
836 JIMENO RD  
1406 GRAND AVE

*Flat Corrigan*

951 JIMENO RD  
947 JIMENO RD

JIMENO RD (CITY)

943 JIMENO RD

*Clay*

859 JIMENO RD

891 JIMENO RD

*W. L. L.*

885 JIMENO RD

*Glen*

LARGURA PL (CITY)

860 JIMENO RD

1402 GRAND AVE

810 LARGURA PL

812 LARGURA PL

814 LARGURA PL

900 JIMENO RD

904 JIMENO RD

925 JIMENO RD

*Glen*

908 JIMENO RD

1401 ALAMEDA PA

950 JIMENO RD

*Bird*

924

920 JIMENO RD

918 JIMENO RD

970 JIMENO RD

976 JIMENO RD

982 JIMENO RD

1403 ALAMEDA F

File

JOHNSON

1-9-08

City of Santa Barbara  
Building and Safety Division  
Architectural Board of Review  
630 Garden Street  
Santa Barbara, CA 93101

RECEIVED  
JAN 10 2008

CITY OF SANTA BARBARA  
PLANNING DIVISION

Re: Case MST2005-00672  
924 Jimeno Road  
Santa Barbara, CA 93103

Dear Board:

We would like to object to the proposed addition for the property located at 924 Jimeno Road, Santa Barbara. We have lived in the area since 1995 and have enjoyed the well-balanced nature by which our neighborhood is composed within the hillside Riviera district. Jimeno Road is constructed mainly of smaller homes, mostly of single-story and occasional two-story type. The proposed plan for a three-story home is out of scale with the surrounding homes.

This project proposes building on the highest portion of the lot, upward well over 30 feet. This is best shown by the south elevation, which is seen from the city as a large three-story structure whose mass, bulk and scale are undoubtedly too large to harmonize with surrounding homes.

It is our opinion that not enough thought has been given to creating additional square footage by bringing the building downward and following the natural grade of the lot towards the street, as other homes in the area are consistently built. This would avoid unnecessary height and make the building's visual impact less noticeable from all angles.

While it is clearly less expensive to build over the existing single-story residence, we feel the city will be paying a price by setting a precedent to build large-scale projects that will negatively affect the Riviera's carefully monitored appearance.

Sincerely,

Shelly Johnson  
Karen Kasaba  
970 Jimeno Road  
Santa Barbara, CA 93103



RECEIVED

January 13, 2008

JAN 14 2008

CITY OF SANTA BARBARA  
Community Development Secretary  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Reference: ABR Hearing January 14, 2008  
**924 Jimeno Road**

Dear Sirs:

We are the owners of a home at 900 Jimeno Road. The purpose of this letter is to express our concern with the apparent height and mass of the proposed remodel of 924 Jimeno Road. A portion of the proposed addition will raise the existing roofline to accommodate an additional story above the existing living quarters on the uphill portion of the lot. This would create an undesirable mass viewed from downhill by neighbors and by the public walking or driving up Jimeno Road. .

The apparent height and scale of this project will create a visual impact that is incompatible with the aesthetics of the Jimeno Road neighborhood. Jimeno Road is characterized by single story homes some with under stories. It is important to those living on the street that character and views of this intimate, hillside neighborhood be preserved.

Additionally, if approval is granted as presented it will only be a matter of time before proposals to add a third story to other homes on the street are submitted pointing to this case as a precedent. Going down this path would fundamentally and adversely alter the quality of both public and private views along the street as well as views of the neighborhood from the city below.

We are glad the Herendeens desire to improve their property and would wholeheartedly support a project that does not exceed the existing roofline.

It should be noted that we did not receive notification from the city of this hearing. We respectfully request that this letter be read into the minutes of the ABR meeting.

Sincerely,

Clay and Lynda Cole  
900 Jimeno Road



**Feliciano, Gabriela P.**

---

**From:** Hillside44@aol.com  
**Sent:** Monday, January 14, 2008 12:43 PM  
**To:** Community Development ABRsecretary  
**Subject:** Architectural Board of Review Agendas

Re: January 14 agenda  
924 Jimeno Road.

We are the property owners at 891 Jimeno Road. We have lived here since 1988.

On Friday, January 11, we were informed by a neighbor that the owners of the property located at 924 Jimeno Road are requesting a third story addition to their property. Our neighbors discovered this information by checking the ABR agenda, and determined that this proposal is scheduled to be heard today, Monday, January 14.

To our knowledge, there has been no written notification to the neighbors. We would like to have an opportunity to review this proposal before it goes forward. With such short notice, it is impossible for us to attend the meeting today.

This proposal sounds similar to a recent proposal for another property located on Jimeno Road. Both homes are single story, with understories, and are requesting to remodel by adding a third story addition.

When the first proposal came forward, there was a resounding outcry from this neighborhood. The residents of the Jimeno Road neighborhood are very much in favor of the Neighborhood Preservation Ordinance, and want to maintain the overall look of this area. Thirty-nine people, representing 30 residences, signed a petition opposing second or third story additions that exceed the Hillside Design Guidelines, particularly regarding height, apparent height, and size, bulk and scale, compared to existing homes in the area.

Before any final approval of this project, we believe that additional study should be done to determine if this proposal is consistent with the current guidelines for this neighborhood, and if not, current standards should be applied.

We are requesting that this letter be made a permanent part of the record.

Thank you,

Reed and Benita Wilson  
891 Jimeno Road  
Santa Barbara, CA 93103  
965-2700

\*\*\*\*\*

Start the year off right. Easy ways to stay in shape.

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File

**Dolores B. White  
1429 Alameda Padre Serra  
Santa Barbara, California 93103**

**geraldrw@msn.com**

**(805) 9667840  
fax 9651503**

**City of Santa Barbara  
Building and Safety Division  
Architectural Board of Review  
Santa Barbara, California**

**January 14, 2008**

REC'D JAN 14 2008

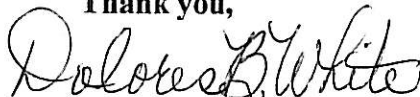
**RE: Case MST2005-00672  
924 Jimeno Road  
Santa Barbara, California**


**Dear Board:**

As a neighbor of this particular residence and proposed addition, we are deeply concerned that such a project would have a very negative impact on all the surrounding houses and the Riviera as a whole. Most of the homes in this area are one to two stories (at most) and have kept a low profile to avoid obstructing neighbor's views and becoming an obvious "eyesore" in a very homogeneous neighborhood. We rely on the Neighborhood Preservation Board and the Architectural Review Board to continue your excellent work in protecting our neighborhoods and keeping the harmonious look that has made the Riviera a very picturesque and desirable place. This design would set a new and undesirable precedence.

Please review this design and consider a more appropriate building on a site which would allow a better use of the slope to keep a lower profile.

Thank you,

  
Dolores B. White

  
Gerald R. White

**1429 Alameda Padre Serra  
Santa Barbara, California**



CASE# MST2005-00672

Subj:	Architectural Board of Review Agendas
Date:	1/14/08 12:43:08 PM Pacific Standard Time
From:	Hillside44
To:	ABRSecretary@SantaBarbaraCA.gov

Re: January 14 agenda  
924 Jimeno Road.

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We are requesting that this letter be made a permanent part of the record.

Thank you,

Reed and Benita Wilson  
891 Jimeno Road  
Santa Barbara, CA 93103  
965-2700

\*\*\*\*\*

Start the year off right. Easy ways to stay in shape.

<http://body.aol.com/fitness/winter-exercise?NCID=aolcmp00300000002489>

Monday, January 14, 2008 America Online: Hillside44

JERMAINE CHASTAIN  
4108 Hidden Oaks Road  
Santa Barbara, CA 93105

Jaime Limon  
Senior Planner  
City of Santa Barbara  
Planning Division  
630 Garden Street  
Santa Barbara, CA 93105

Re: 4126 Hidden Oaks Road  
Owners: Dave and Stevie Peters  
General: Charles Alexander

Dear Mr. Limon:

I am the neighbor of Dave and Stevie Peters who reside at 4126 Hidden Oaks Road, and who are in the midst of a remodel that includes plans for a custom BBQ and outdoor fireplace structure. I have met with general contractor, Charles Alexander, and have reviewed the plans for this structure.

While the structure is visible from my home and property, I have no objection to it from a visual or aesthetic standpoint. When I expressed concerns regarding smoke issues and possible fire danger (the structure and chimney stack are in close proximity to trees and vegetation), I was assured by Mr. Alexander that the structure had been properly engineered to address and alleviate these concerns. Since I have no expertise in this area, I am relying on you and your department to pass on the smoke and fire issues. I know of many outdoor fireplaces/BBQ's in Santa Barbara, so I am confident they can be constructed in a safe manner.

Again, I have no objection to the structure as long as you determine that it meets all safety requirements.

I am available by email or at 259-8319 should you have any questions.

Very truly yours,

Jermaine Chastain

[jermainechastain@gmail.com](mailto:jermainechastain@gmail.com)  
805-259-8319

# 924 Jimeno Road

029-052-009



1000 0 1000 Feet

Search Radius = 300 Feet

2/28/2008

